

STATE OF FLORIDA

OFFICE OF GOVERNOR REUBIN O'D. ASKEW

March 5, 1976

Mr. Roy Markon
Deputy Assistant Commander
for Real Estate
Department of the Navy
200 Stovall Street
Alexandria, Virginia 22332

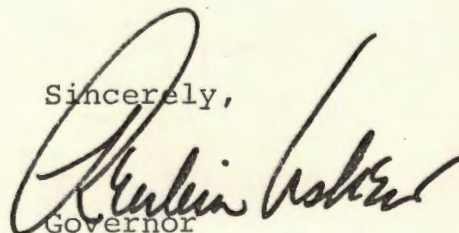
Dear Mr. Markon:

This is in reference to your letter of October 20, 1975 relinquishing federal legislative jurisdiction over the Naval Aerospace and Regional I Medical Center, Pensacola, Florida.

In accordance with Section 2683, Title 10, United States Code, I accept on behalf of the State of Florida the relinquishment of federal legislative jurisdiction as to law enforcement over the 42.52 acres comprising the Naval Aerospace and Regional I Medical Center, Pensacola, Florida.

With kind regards,

Sincerely,


Governor

ROA/gjh

cc: Honorable Jack Kenney, Chairman,
Escambia County Commission
Honorable Royal Untreiner,
Sheriff of Escambia County

microfilmed + Jaded - 5/6/76

COPY

ENCLOSURE (1)



REUBIN O'D. ASKEW
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE 32304

204
205

24 WJC
3/15

24 WJC

WJC WJC

October 31, 1975

Mr. Roy Markon
Deputy Assistant Commander
for Real Estate
Department of the Navy
200 Stovall Street
Alexandria, Virginia 22332

Dear Mr. Markon:

Thank you for your letter of October 20 concerning the relinquishment of federal legislative jurisdiction over the 42.52 acres comprising the Naval Aerospace and Regional I Medical Center, Pensacola, Florida.

This matter has been referred to Mr. Harmon W. Shields, Executive Director, Department of Natural Resources, for review. As soon as this has been completed, we will contact you.

With kind regards,

Sincerely,

Reubin O'D. Askew
Governor

ROA/ggv

cc: Mr. Harmon W. Shields

→ CO SOUTHNAVFACENGCOM

20 OCT 1975

Governor Reuben Askew
Office of the Governor
State House
Tallahassee, Florida

My dear Governor Askew:

The United States has legislative jurisdiction over the 42.52 acres of land known as the Naval Aerospace and Regional I Medical Center, Pensacola, Florida. The 42.52 acre site is described in the attached exhibits.

Section 2683 of Title 10, United States Code, authorizes the Secretary of the Navy, whenever he considers it desirable, to relinquish to a State all or any part of the legislative jurisdiction of the United States over lands under his control in that State.

It is considered highly desirable, for law enforcement purposes, that federal legislative jurisdiction be relinquished to the State of Florida over the 42.52 acres comprising the NARMC site. Accordingly, on behalf of the United States, and in accordance with the authority given to me by the Secretary of the Navy, I hereby relinquish to the State of Florida the legislative jurisdiction now held by the United States over the above-described land.

When the relinquishment of federal jurisdiction has been officially accepted on behalf of the State of Florida, I shall appreciate being advised.

Sincerely,

/s/
ROY MARKON
Deputy Assistant Commander
for Real Estate

Copy to:

205 File 20 RF 205C Chron
P/by: Mr. N. Kekich, 205C, X50427
T/by: BLong on 10/17/75



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22332

24 WSW
3/12
241 WSR
WJC
IN REPLY REFER TO
205C/NK
9 MAR 1976

From: Commander, Naval Facilities Engineering Command
To: Commanding Officer, Southern Division, Naval Facilities Engineering Command

Subj: Naval Aerospace Regional Medical Center, Pensacola, Florida; relinquishment of federal legislative jurisdiction to the State of Florida

Encl: (1) Copy of Governor of Florida ltr of acknowledgement dtd 5 March 1976 to COMNAVFACENGCOM

1. Enclosure (1) evidences the acceptance by the State of Florida of the relinquishment of federal legislative jurisdiction over subject site.

Roger O'Donoghue
ROGER O'DONOGHUE
By direction

Copy to:
CNO
CNET Pensacola
NAVTECHTRACEN Pensacola
PWC Pensacola

241: ojc has seen this.

WTA.



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

011
IN REPLY REFER TO
Ser 44/110174
29 August 1975

FIFTH ENDORSEMENT on CO Naval Aerospace and Regional I Medical
Center, Pensacola, Florida

From: Chief of Naval Operations
To: Commander, Naval Facilities Engineering Command

Subj: Retrocession of exclusive legislative jurisdiction over the
42.52 acres of land known as "NARMC Hospital Site".

1. At present the Navy has exclusive legislative jurisdiction over the 42.52 acres of land on which the 310-bed Naval Aerospace and Regional Medical Center Hospital is being constructed. Under the existing exclusive jurisdiction, the Federal Government has full responsibility for law enforcement-both the investigative and the prosecutorial phases. All of this responsibility involves considerable expense to the Navy.

2. Since exclusive legislative jurisdiction is not required, it is considered that it will not be detrimental to the interests of the United States to retrocede all legislative jurisdiction to the State of Florida, and retain a proprietorial interest only. This proposal is in full accordance with the report of the Inter-Departmental Committee for the study of jurisdiction over federal areas within the States. Part I of the Report, which was approved by the President on 27 April 1954, states on page 70 as follows:

"a) In the usual case there is an increasing preponderance of disadvantages over advantages as there increases the degree of legislative jurisdiction vested in the United States;

"b) with respect to the large bulk of federally owned or operated real property in the several states and outside of the District of Columbia, it is desirable that the Federal Government not receive, or retain, any measure whatever of legislative jurisdiction, but that it hold the installations and areas in a proprietorial interest status only, with legislative jurisdiction remaining in the several states."

3. The desirability of the Navy's relinquishing all legislative jurisdiction and retaining only a proprietorial interest is further justified by the following: Military Police, where either exclusive

CDR Boasberg

Subj: Retrocession of exclusive legislative jurisdiction over the
42.52 acres of land known as "NARMC Hospital Site"

or concurrent legislative jurisdiction exists, have no greater authority to arrest civilians than a private person. Generally, this authority is limited to protection of government property and personnel, protection of their own lives and property, felonies committed in their presence, where a felony has been committed and there is good reason to suspect someone, and misdemeanors involving a breach of the peace. This limitation on Military Police would apply irrespective of the degree of legislative jurisdiction held by the Government.

4. In an area subject to concurrent jurisdiction, the most effective method of obtaining adequate law enforcement would be to employ Deputy U.S. Marshals for day-to-day law enforcement. The authority of the Deputy U.S. Marshal derives from 28 U.S.C. 570, which provides: "A U.S. Marshal, in executing the laws of the United States within a state, may exercise the same powers which a sheriff of such state may exercise in executing the laws thereof." This statute together with the Assimilative Crimes Act (18 U.S.C. 13), which in an area of concurrent jurisdiction makes state offenses not covered by federal law applicable and punishable in the federal courts, would give the U.S. Marshal full power of law enforcement. However, the Department of Justice has a firm policy against appointing Deputy Marshals for this type of law enforcement. Military Police, as a matter of law, would not have such authority.

5. It is desirable that in the usual case the Federal Government receive or retain concurrent legislative jurisdiction with respect to installations and areas on which it is necessary that the Federal Government render law enforcement service of a character ordinarily rendered by a State or local government. These installations and areas consist of those which, because of their great size, large population, or remote location, or because of peculiar requirements based on their use, are beyond the capacity of a State or local government to service. The subject area and installation do not fit these criteria.

6. The COMNAVFACENGCOM is requested to seek approval of the Assistant Secretary of the Navy (I&L) to relinquish to the State of Florida all federal legislative jurisdiction over subject site, leaving in the United States a proprietorial interest only.

R. F. JUSTICE
By direction

Copy to:
CO NAVAEROSPREGMEDCEN
CNET
CNTECHTRA
CO NAVTECHTRACEN PNCLA
CO SOUTHNAVFACENGCOM
COMSIX

REPRODUCED AT GOVERNMENT EXPENSE



File
Reed
DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
WASHINGTON, D.C. 20372
1302

BUMED-41-1-jsk

28 Jul 1975

FOURTH ENDORSEMENT on CO NAVAEROSPREGMEDCEN ltr Code 05 of
2 Jun 1975

From: Chief, Bureau of Medicine and Surgery
To: Commander, Naval Facilities Engineering Command
Via: Chief of Naval Operations

Subj: Request for concurrent legislative jurisdiction for
the 42.52 acres of land known as "NARMC HOSPITAL SITE"

1. Forwarded, recommending approval.

L. B. NICHOLS
By direction

Copy to:

CO NAVAEROSPREGMEDCEN
CNET
CNTECHTRA
CO NAVTECHTRACEN PNCLA
CO SOUTHNAVFACENGCOM
COMSIX

REPRODUCED AT GOVERNMENT EXPENSE

Code N331
15 JULY 1975THIRD ENDORSEMENT on CO NAVAEROSPREGMEDCEN Pensacola, FL, ltr
Code 05 of 2 Jun 1975

From: Commandant, Sixth Naval District
To: Commander, Naval Facilities Engineering Command
Via: (1) Chief, Bureau of Medicine and Surgery
(2) Chief of Naval Operations

Subj: Request for concurrent legislative jurisdiction for the 42.52
acres of land known as "NAFMC HOSPITAL SITE"

1. Forwarded, recommending approval.

GORDON R. VOEGELEIN
By direction

Copy to:
CO NAVAEROSPREGMEDCEN PNCLA
CNTECHTRA
NAVTECHTRACEN Pensacola, FL
CNET
COMSIX

REPRODUCED AT GOVERNMENT EXPENSE

*File to note
further*

Code 24

30 JUN 1975

SECOND ENDORSEMENT on CO NAVAFROSPEDMEDCKN Pensacola, FL ltr
Code 05 of 2 Jun 1975

From: Commanding Officer, Southern Division, Naval Facilities
Engineering Command
To: Commander, Naval Facilities Engineering Command
Via: (1) Commandant, Sixth Naval District
(2) Chief, Bureau of Medicine and Surgery
(3) Chief of Naval Operations

Subj: Request for concurrent legislative jurisdiction for the 42.52
acres of land known as "EABMC HOSPITAL SITE"

1. Forwarded, recommending approval.

Copy to:
CO NAVAFROSPEDMEDCKN PNCLA
ONTECHTRA
NAVTECHTRACEN Pensacola, FL
CNET

JOE D. SANDERS
By [Signature]

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Code (

John's copy

From: Commanding Officer, Naval Aerospace & Regional Medical Center,
Pensacola, Florida 32512

To: Assistant Secretary of the Navy (Installation and Logistics)

Via: (1) Chief of Naval Education and Training
(2) Commanding Officer, Southern Division, Naval Facilities
Engineering Command
(3) Chief, Bureau of Medicine and Surgery
(4) Commander, Naval Facilities Engineering Command
(5) Chief of Naval Operations

Subj: Request for concurrent legislative jurisdiction for the 42.52
acres of land known as "NARMC HOSPITAL SITE"

Ref: (a) NAVFAC Publication P73, Real Estate Administration, Chapter
Federal Legislative Jurisdiction over Naval and Marine Corps
Area within States

Encl: (1) Department of the Navy, Office of the General Counsel
ltr of 10 Nov 1971
(2) State of Florida, Department of Legal Affairs, Office
of the Attorney General ltr of 24 Jan 1972
(3) NAVFAC Dwg. #966321
(4) Property description of subject land with attached NAVFAC
Dwg. #5011818
(5) CO, FWC, Pncla ltr Code 10 of 10 Aug 1972 with attachments

1. It is requested that necessary action be taken to establish concurrent legislative jurisdiction in lieu of the present exclusive legislative jurisdiction covering the 42.52 acres of land on which the 310 bed Naval Aerospace & Regional Medical Center Hospital is presently being constructed.

2. The following information is submitted to support this request in accordance with reference (a):

a. The Department of Navy presently has exclusive legislative jurisdiction over the 42.52 acres of land.

b. Under the present exclusive jurisdiction the Navy has full responsibility for law enforcement. Security in this area must be maintained exclusively by the Navy and would involve considerable expense.

ENCL. (3) is
LARGE BLUE-
PRINT OF HOSP.
GROUNDS.

Code 05

Subj: Request for concurrent legislative jurisdiction for the 42.52
acres of land known as "NARMC HOSPITAL SITE"

There is no obligation on the part of the State/County to provide police services. Further, since access to Highway 98 will be available without restraint, private parties over which the Navy has no control will have free access to the area. Such things as speeding, stray animals, petty theft, over parking or vehicle abandonment, drunken driving, vandalism, illicit drug usage, etc., will be difficult, costly and cumbersome for the Navy to control, especially where private citizens are concerned. Also it could prove most difficult indeed to prosecute private citizens for any thing other than major crime. In addition, serious crimes would require FBI or NIS action unless the local police are specifically called in for those crimes not committed against the United States Government.

c. Concurrent legislative jurisdiction is considered necessary and desirable. Both State and Federal would be applicable permitting State or Federal jurisdiction over an offense committed in the area. The State could exercise regulatory powers only in such a matter as not to interfere with Federal functions i.e., Federal employees working in the area.

d. In addition, the Navy would realize the following benefits:

(1) The State/County could provide the same police protection which is provided other County residents. This would include traffic control, investigation of theft, control of vandalism and cognizance for major crimes (unless committed against the Federal Government).

(2) Concurrent legislative jurisdiction would be more economical for the Navy than exclusive jurisdiction and is more compatible with "an open access" plot of property.

(3) No change in ownership: land, buildings, roads or systems will be involved.

(4) This type jurisdiction currently exists for the Corry Family Housing area.

e. As discussed in enclosures (1) and (2), state acceptance of retrocession of Federal Government held exclusive legislative jurisdiction will not require an act of the Florida State Legislature, but only an action by the Secretary of Navy to file with the Governor with the State of Florida a notice of relinquishment to take effect upon the acceptance thereof, in accordance with Public Law 91-51.

f. This 42.52 acres was transferred to NARMC Pensacola, Florida from the Naval Communications Training Center in June 1974. This acreage was originally a portion of a 502.8 acre track of land forming track one of the Naval Communications Training Center acquired by donation in 1927 and a portion of a 192.0 acre track of land forming track two of the Naval Communications Training Center acquired by condemnation in 1941. The United

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Code 05

Subj: Request for concurrent legislative jurisdiction for the 42.52
acres of land know as "NARMC HOSPITAL SITE"

States holds a fee interest in the land. Enclosure (3) depicts both
Track I and Track II of the Naval Communications Training Center.
An accurate legal description of the area over which it is proposed to
relinquish legislative jurisdiction is forwarded as enclosure (4).

3. This requested action is in cognizance with the support plan for new
facilities South Corry Field agreed upon by the principals involved in
1972. A copy of which is forwarded as enclosure (5).

R. D. NAUMAN

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TALLAHASSEE, FLORIDA
ATTORNEY GENERALSTATE OF FLORIDA
DEPARTMENT OF LEGAL AFFAIRS
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
TALLAHASSEE, FLORIDA 32304

January 24, 1972

Honorable Leo J. Bush
Counsel, Southern Division
Naval Facilities Engineering Command
2144 Melbourne Street
Post Office Box 10068
Charleston, South Carolina 29411

Re: Legislative Jurisdiction over land
of the United States in the State
of Florida

Dear Mr. Bush:

I acknowledge receipt of your inquiry in relation to the matter of legislative jurisdiction over land of the United States located in Florida in the area of Pensacola.

Your question, in substance, involves the existing power on the part of the State of Florida to accept the relinquishment of jurisdiction over specified Florida land by the United States. More specifically, the question you asked is:

Is an act of the Florida Legislature required to permit the State of Florida to accept a relinquishment, by the Navy, of a part or all of the exclusive jurisdiction now held by the United States over certain specified land?

In connection with stating your question you call my attention to the existence of Title 10, Armed Forces, Section 2863(a), USCA, the same being Pub.L. 91-511, Title VI, Section 613(1), October 26, 1970, 84 Stat. 1226. This law provides as follows:

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in

ENCLOSURE (2)

REPRODUCED AT GOVERNMENT EXPENSE 1

that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide."

The answer to your question is that relinquishment of jurisdiction can be accomplished in the manner suggested by the above mentioned Public Law 91-511. You are further advised that retroversion of jurisdiction can be accomplished by a compliance by the Secretary with the above specified federal statute without any action on the part of the State of Florida other than acceptance by the Governor.

Your attention is directed to the provisions, in part, of Section 6.04, Florida Statutes:

"Whenever the United States shall. . .acquire any land within the limits of this state for the purposes aforesaid, (forts, magazines, arsenals, dockyards and other needful buildings, or any of them). . .and shall desire to acquire constitutional jurisdiction over such lands for said purposes, the governor of this state may . . .cede to the United States exclusive jurisdiction over the land. . .the United States to hold, use, occupy, own, possess and exercise said jurisdiction over the same for the purposes aforesaid, and none other whatsoever. . . ."

It is clear that jurisdiction of the State of Florida, to the extent specified, has been suspended for the period specified, viz: as long as the property is used for the purpose indicated. At any time when the Secretary of the military department relinquishes the ceded jurisdiction, the same, ipso facto, reverts and vests in the State of Florida.

The limitation upon the grant of exclusive jurisdiction is consistent with the principle that when exclusive jurisdiction is lawfully obtained and exercised by the United States, jurisdiction of the State of Florida over the area is suspended so long as the limited exclusive jurisdiction of the United States is exercised. The mentioned principle is discussed, inferentially, in the case of Valverde v. Valverde, 164 So. 227.

ENCLOSURE (2)

REPRODUCED AT GOVERNMENT EXPENSE

Honorable Leo J. Bush

Page 3

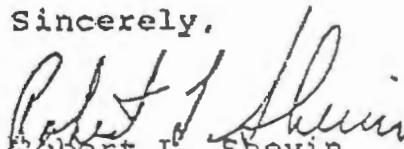
The case, itself, involved a wife's suit against her husband for separate maintenance and the court held that cession of jurisdiction would not immunize the husband from process in his wife's suit. In discussing limited grant of exclusive jurisdiction the court observed that an inspection of the foregoing act disclosed that lands acquired thereunder could be acquired only for the purpose named in the act, and further said:

"It was competent for the state to impose such restrictions on purchases of portions of its domain for the purposes stated and the act quoted became a part of the contract of purchase whether made so in terms or not . . ."


S U M M A R Y

Affirmative action by the Secretary of a military department relinquishing jurisdiction in the manner specified in Public Law 91-511, is the only action necessary to reinvest full jurisdiction to the State of Florida over the area relinquished.

Sincerely,


Robert L. Shevin
Attorney General

Prepared by:


Halley B. Lewis
Assistant Attorney General
sh

ENCLOSURE (2)

REPRODUCED AT GOVERNMENT EXPENSE

DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL

10 November 1971

COUNSEL FOR THE
SOUTHERN DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
2144 MELBOURNE ST., P. O. BOX 10068
CHARLESTON, SOUTH CAROLINA 29411

Honorable Robert L. Shevin
Attorney General
Tallahassee, Florida 32304

Dear Mr. Shevin:

If I may introduce myself, I am a member of the Office of the General Counsel, Department of the Navy currently assigned as Counsel for the Southern Division, Naval Facilities Engineering Command, in Charleston, South Carolina. In such position I am responsible for furnishing legal advice on business and commercial matters to Navy Commands in the twelve Southeastern states, including the State of Florida.

A question recently posed by a Naval Command in the Pensacola area involves the matter of legislative jurisdiction over land of the United States in that area. The records which I hold on the particular land indicate that the Governor of the State of Florida, upon application made in behalf of the United States, ceded to the United States exclusive jurisdiction thereover. The authority for the Deed of Cession, although not cited on the instrument, was most probably that now contained in F.S.A. Section 6.04.

More specifically, the question asked was whether or not an act of the Florida Legislature would be required to permit the State of Florida to accept a relinquishment by the Navy of a part or all of the exclusive jurisdiction now held by the United States. You may recall that Section 613 of Public Law 91-511 approved October 26, 1970 provided for the relinquishment to a State by the Secretary of a military department of all or part of the jurisdiction over lands under the control of such Secretary in that state.

My search of the Florida statutes failed to locate any standing legislation that would specifically permit your State to accept the relinquishment of jurisdiction by the United States. However, I would

ENCLOSURE (1)

REPRODUCED AT GOVERNMENT EXPENSE

10 November 1971

greatly appreciate the benefit of any advice you may offer on whether you would consider legislation to be required to permit acceptance of the relinquishment of jurisdiction that the Navy might wish to institute in your State.

Your cooperation in this matter would be greatly appreciated.

Very truly yours,

LEO J. BUSH
Counsel

P.S.

My regards to Mr. Jack Pierce of your staff with whom I recently had the pleasure of working in a matter before the Florida Public Service Commission.

Blind copy to:

Mr. R. A. Jones
Public Works Center
Pensacola, Fla. 32508

ENCLOSURE (1)

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~~Property was transferred from Naval Communications Training Center (NCTC) to Naval Aerospace and Regional Medical Center (NAPMC) identified as follows:~~

A parcel of land located in sections 53 and 56, Township 2 South, Range 30 West, Escambia County, Florida, more particularly described as follows:

Commence at the northeast corner of Section 21, T-2-S, R-31-W, a concrete monument on the west property line of and approximately 1267.9' south of the northwest corner of NCTC; thence $S1^{\circ}-54'W$ along the west property line of NCTC a distance of 483.6', more or less, to an iron pipe and the point of beginning; thence $S69^{\circ}-18'E$ a distance of 1228.3', more or less, to an iron spike; thence $S0^{\circ}-42'W$ a distance of 1509.8', more or less, to an iron spike on the north right-of-way line of U. S. Highway 98; thence $N69^{\circ}-18'W$ along the said north right-of-way line a distance of 636.0', more or less, to a concrete monument, the P. C. of the north right-of-way curve; said north right-of-way curve having a central angle of $16^{\circ}-49'-30''$ Rt., a radius of 3719.83' and an arc length (arc definition) of 1092.33'; thence northwesterly around said right-of-way curve a distance of 575.4', more or less, to a concrete monument on the said north right-of-way curve and the west property line of NCTC; thence $N1^{\circ}-54'E$ along the west property line of NCTC a distance of 1465.9', more or less, to the point of beginning.

NAVFAC DWG 5011818 (C)

ENCL (4)

LESS DRAWING